

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
In re REFCO INC. SECURITIES LITIGATION : Case No. 07-MD-1902 (JSR)  
:   
----- X

This document relates to:

----- X  
KENNETH M. KRYS, *et al.*, : Case No. 08-cv-3065 (JSR)  
: Case No. 08-cv-3086 (JSR)

Plaintiffs, :

-against- :

CHRISTOPHER SUGRUE, *et al.*, :

Defendants. :

----- X

~~PROPOSED~~ ORDER REGARDING CONSOLIDATION OF SUGRUE ACTIONS

*For All Purposes*

RONALD J. HEDGES, Special Master:

**Whereas**, *Krys, et al. v. Sugrue, et al.*, No. 600653/2008 (the “Sugrue State-Court Action”) was commenced in New York Supreme Court, New York County on or about March 5, 2008; and

**Whereas**, The Sugrue State-Court Action was removed to the Southern District of New York by a single defendant on or about March 26, 2008 thereby commencing *Krys, et al. v. Sugrue, et al.*, No. 08-cv-3065 (S.D.N.Y.); and

**Whereas**, The same Sugrue State-Court Action was separately removed by the remaining defendants in the State-Court Action on or about March 26, 2008 thereby commencing *Krys, et al. v. Sugrue, et al.*, No. 08-cv-3086 (S.D.N.Y.); and

**Whereas**, The Sugrue Actions are identical with respect to the claims and defenses asserted therein and parties thereto; and

**Whereas**, Consolidation is appropriate to aid in the efficient administration of the Sugrue Actions in both the District Court and in the Second Circuit Court of Appeals if and when notices of appeal are filed after entry of final judgments in the District Court.

**Therefore, it is hereby ORDERED** that the Sugrue Actions shall be consolidated and ~~administered for all purposes under case number \_\_\_\_\_~~ *for all purposes.*

SO ORDERED

Dated:

*Cocanut Grove, FL*  
~~New York, New York~~  
August *16*, 2012

*RJH*  
RONALD J. HEDGES  
Special Master

60649159 v1-WorkSiteUS-028337/0001